

ORDINANCE NO. 16- 40

**AN ORDINANCE REPEALING CHAPTER 2, ARTICLE III, DIVISION 5- CITY TREASURER, OF THE ROGERS CITY CODE; AMENDING VARIOUS SECTIONS OF THE ROGERS CITY CODE REGARDING PROVISIONS RELATING TO THE DUTIES OF CLERK-TREASURER; AND FOR OTHER PURPOSES.**

**WHEREAS**, pursuant to A.C.A. §14-43-405, the City Council has determined that it would be in the best interest of the City of Rogers to amended the Rogers City Code to combine the positions of City Clerk and Treasurer into the position of Clerk-Treasurer; and

**WHEREAS**, the language in the Rogers City Code providing for the duties of City Clerk-Treasurer needs to be clarified to express the intent of the City Council; and

**WHEREAS**, it is beneficial to the citizens of the City of Rogers that the Rogers City Code is consistent, clear, unambiguous, and accurately reflects state and local laws.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:**

Section 1: That effective January 1, 2017, Chapter 2, Article III, Division 5- City Treasurer, of the Code of Ordinances, City of Rogers, Arkansas, shall be repealed. Said Article, including Sections 2-227 through 2-235, shall read as "Reserved".


Section 2: That effective January 1, 2017, various sections and subsections of the Code of Ordinances, City of Rogers, Arkansas, shall be amended and shall read as shown in the attached Exhibit "A" (attached hereto and incorporated by reference as if set out word for word herein). In the event that only one or some amended "subsection(s)" of a larger Code section is shown in Exhibit "A", any other subsections of that respective Section that are not shown in Exhibit "A" shall remain unchanged and continue to be in force as previously adopted.

Section 3: Severability Provision. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 4: Repeal of Conflicting Ordinances and Resolutions. All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

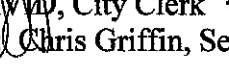
PASSED this 10th day of May, 2016

APPROVED:

  
C, GREG HINES,  
Mayor

Attest:

  
PEGGY DAVID, City Clerk

Prepared by:  Chris Griffin, Senior Staff Attorney



**EXHIBIT "A"****Sec. 1-2. - Definitions and rules of construction.**

*City clerk-treasurer, clerk, or treasurer.* The terms "clerk-treasurer," "clerk," and "treasurer" are interchangeable and refer to the city clerk-treasurer.

**Sec. 2-1. - Records management system.**

(7)

The destruction of any documents requires an affidavit and a proposed destruction list of the property to be submitted to the city council along with a resolution authorizing the destruction. This affidavit and list shall be completed and signed by the municipal employee performing the destruction and shall require the signature of one council member to bring it out of committee and to the full city council for a vote. The affidavit shall include:

a.

Which records are being destroyed and to which period of time the records apply;

b.

The method of destruction; and

c.

A section that lists the date of destruction, to be completed on the date of destruction, and shall be witnessed by the clerk-treasurer, or chief court clerk if court records are being destroyed.

(8)

If the resolution is adopted, said approval shall be indicated in the minutes of the meeting in which approved, and the affidavit and proposed destruction list shall be attached to the resolution and recorded by the clerk-treasurer;

**Sec. 2-27. - Special meetings.**

(a)

Special meetings of the city council may be called by the mayor or by any three aldermen in either of the following two manners, or combination thereof:

(1)

By having written notice, stating the purpose of the meeting, served upon all of the members of the council at least two hours in advance of the meeting being called by the chief of police or some member of the police department delegated by him therefor. The serving officer shall certify such service upon a copy of the notice which shall be returned to the clerk-treasurer and shall be included in and made a part of the minutes of the special meeting of which such notice was given. The mayor or aldermen who called a special meeting in this manner shall sign the copy of the notice which is to be returned by the serving officer and made a part of the minutes of such meeting.

**Sec. 2-54. - New business at regular meetings.**

(a)

New business at regular city council meetings shall be limited to matters listed on an agenda, which shall be prepared for each regular meeting by the clerk-treasurer from subjects submitted to him by the mayor, senior staff attorney, and/or by aldermen. Such agenda shall be made up and completed not later than 12:00 noon on the Wednesday preceding such meeting, at which time the agenda shall be available for newspaper publication. Matters not disposed of shall carry over and be included in the agenda for the next regular meeting or until disposed of by the council.

**Sec. 2-56. - Proposed ordinances, other matter must be submitted in writing.**

All resolutions and ordinances shall be submitted in writing to the clerk-treasurer before being placed before the city council for consideration.

(Code 1982, § 2-64; Code 1997, § 2-59)

**Sec. 2-57. - Scope of ordinances and procedures relating to passage.**

(g)

(1)

*Referendum petitions.* All referendum petitions under Amendment No. 7 to the Constitution of the State of Arkansas, found in Article 5, Section 1 of the Constitution of the State of Arkansas, other than those referendum petitions on ordinances or measures concerning municipal bonds, must be filed with the clerk-treasurer within 60 days after the passage and publication, or posting, of any ordinance or measure. Those referendum petitions on ordinances or measures concerning municipal bonds must be filed with the clerk-treasurer within 30 days after the passage and publication, or posting, of any ordinance or measure.

**State Law reference—** A.C.A. §§ 14-55-203, 14-55-302, 14-55-303. *Eureka Springs v. Brightman*, 243 Ark. 836.

**Sec. 2-203. - Duties.**

(c)

The city attorney shall coordinate with city council members, the mayor, the clerk-treasurer, staff attorneys and the city staff when necessary on business before the city council.

**Sec. 2-409. - Oath.**

As soon as practicable after appointment, each member of the public facilities board shall qualify by taking and filing with the clerk-treasurer the oath of office as prescribed by the Act.

(Code 1982, § 6-19; Code 1997, § 58-33)

**State Law reference—** Oath of members, A.C.A. § 14-137-108.

**Sec. 2-415. - Annual report.**

The public facilities board shall cause to be filed with the clerk-treasurer the annual report described in A.C.A. § 14-137-123.

(Code 1982, § 6-24; Code 1997, § 58-38)

**State Law reference**— Annual reports, A.C.A. § 14-137-123.

**Sec. 2-421. - Created; membership.**

The following are hereby appointed and shall constitute the three-member depository board to fulfill, on behalf of the City of Rogers, the mandates of A.C.A. § 19-8-106:

- (1)  
Mayor;
- (2)  
Clerk-treasurer;
- (3)  
Director of finance.

(Ord. No. 13-94, § 1, 12-10-2013)

**Sec. 2-426. - Creation, membership, meetings, fiscal procedures.**

(e)

*Fiscal procedures.*

- (1)  
The RPAC is subject to all fiscal procedures of the city.
- (2)  
The RPAC commissioners shall not have authority or power to sell, mortgage, lease or otherwise encumber any city owned or maintained property unless otherwise authorized by the city council and the statutes of the state.
- (3)  
The Rogers clerk-treasurer, or their designee, with the assistance of the RPAC, shall keep suitable and proper inventories of all artifacts and exhibits, together with a complete record of any item displayed, on loan, returned, or otherwise disposed of in any manner. Said inventories shall be kept in compliance with the city's fixed asset listing policy.
- (4)  
It is expressly declared that this article is not intended to be, and is not a contract between the city and any board or commission which may be appointed.

(Ord. No. 14-40, § 1(Att. A), 8-26-2014)

**Sec. 2-437. - Appeal.**

Any person who owns property immediately adjacent to a public art display that has been approved by the RPAC, or any member of the city administration, may, within 30 days of the projects' approval, appeal the decision to the Rogers City Council for reconsideration. Any artist that has submitted art for display according to the terms of this division and whose request has been denied, may appeal that denial to the Rogers City Council within 30 days of the decision to deny the display. If, at any time during an art display, after approval by RPAC, and under the terms of this division, seven or more citizens of the City of Rogers shall petition the city council for reconsideration of the display for a particular piece of art, the city council shall hear their petition and reconsider the display of the art in question. The process by which to begin any of the above appeals processes will be by filing a notice with the clerk-treasurer within the appropriate timeframe.

(Ord. No. 14-40, § 1(Att. A), 8-26-2014)

#### **Sec. 2-444. - Disbursement of funds by warrant.**

(a)

No funds shall be paid out or disbursed for any purpose except upon warrants drawn upon the city treasury, approved by the mayor and signed by the clerk- treasurer or director of finance.

(b)

Warrants complying with the provisions of subsection (a) of this section shall be paid by the city's director of finance.

(Code 1982, §§ 2-226, 2-227; Code 1997, § 2-316)

**State Law reference**— Outstanding municipal warrants, A.C.A. § 14-58-601 et seq.; time of presentation of warrants, A.C.A. § 14-58-601.

#### **Sec. 2-449. - Deposit of funds.**

The clerk-treasurer shall deposit in a city depository all funds which may come into his hands by virtue of his office within two days after receipt of the funds.

(Code 1982, § 2-211; Code 1997, § 2-321)

**State Law reference**— Municipal depository board, A.C.A. §§ 19-8-106, 19-8-107.

#### **Sec. 4-2. - Supplemental tax on sales for on premises consumption.**

(b)

The calculation and payment of said supplemental tax shall be identical to the calculation and payment of the supplemental tax levied by the State of Arkansas pursuant to A.C.A. § 3-9-213, with the exception being the proceeds from said tax shall be paid to the Rogers director of finance.

(Ord. No. 13-88, §§ 1, 2, 10-22-2013)

#### **Sec. 4-19. - Permit fee.**

Any private club which applies for and receives a permit from the alcoholic beverage control board of the state in accordance with A.C.A. §§ 3-9-221—3-9-225 shall pay to the city an annual permit fee of \$250.00 on a calendar-year basis. An annual renewal fee in the same amount shall be paid to the director of finance on or before January 1 of each year. The fee for permits applied for and received after January 1 of any year shall be prorated on a monthly basis for that particular year by the director of finance.

(Code 1982, § 3-1; Code 1997, § 6-26)

**State Law reference**— Amount of municipal permit fee, A.C.A. § 3-9-223(f).

## **Sec. 4-20. - Supplemental tax.**

(a)

In addition to a permit fee, there is hereby levied a supplemental tax of five percent upon the gross proceeds and gross receipts derived by a private club from the charges to members for the serving of mixed drinks or for the cooling and serving of beer and wine for consumption only on the premises where served. The supplemental tax upon the gross proceeds or gross receipts of private clubs shall be reported and paid to the director of finance in the same manner and at the same time as reported and paid to the state commissioner of revenues, as set forth in A.C.A. § 3-9-214.

(b)

If any permittee shall fail to remit the supplemental tax on gross receipts or gross proceeds within the time provided by A.C.A. §§ 3-9-221—3-9-225, a penalty of 25 percent thereof shall become due and payable to the director of finance.

(Code 1982, § 3-2; Code 1997, § 6-27)

**State Law reference**— Similar provisions as to state permit and taxes, A.C.A. §§ 3-9-223, 3-9-234; amount of municipal tax, A.C.A. § 3-9-223(f).

## **Sec. 6-103. - Sale of.**

(b)

Any person who offers for sale any puppy, dog, kitten, cat, or any domestic pet (hereinafter "seller") shall first obtain a city business license and/or peddler's license, as required by the respective sections of the Rogers City Code.

(d)

Prior to obtaining a permit any seller shall provide in writing to the clerk-treasurer, or their designee, the following information:

(1)

The name, address, and telephone number of the seller;

(2)

The location of each housing facility for animals owned by the seller;

(3)

The state agent of service for the seller if said seller is not a resident of the state.

**Sec. 8-35. - Annual report.**

(a)

The airport commission shall, between January 15 and the first Monday of February of each year, file a report with the clerk-treasurer.

**Sec. 10-31. - Building code adopted.**

There is hereby adopted by reference, as fully as though set out herein verbatim, that certain published code known as the International Building Code, 2012 Edition, complete with appendices B, C, D, E, F, G, H, I, and K, including any accumulative supplements, also including state reference codes and/or standards as and when adopted and approved by the Arkansas State Fire Marshal, three copies of which are on file in the office of the Rogers clerk-treasurer.

(Code 1982, § 47-36; Code 1997, § 18-31; Ord. No. 98-19, § 1, 4-14-1998; Ord. No. 02-56, § 1(a), 7-23-2002; Ord. No. 02-47, § 1, 8-27-2002; Ord. No. 08-105, § 1, 8-26-2008; Ord. No. 14-14, § 1, 3-25-2014; Ord. No. 15-07, § 1, 1-13-2015; Ord. No. 15-95, § 1(Exh. A), 7-14-2015)

**State Law reference**— Power of city to adopt technical codes by reference, A.C.A. § 14-55-207.

**Sec. 10-32. - Residential code adopted.**

There is hereby adopted by reference, as fully as though set out herein verbatim, that certain published code known as the International Residential Code, 2012 Edition, complete with appendices D, E, H, J, K, and M, including any accumulative supplements, also including state reference codes and/or standards as and when adopted and approved by the Arkansas State Fire Marshal, three copies of which are on file in the office of the Rogers clerk-treasurer.

(Code 1997, § 18-31.5; Ord. No. 98-19, § 1, 4-14-1998; Ord. No. 02-47, § 1(b), 7-23-2002; Ord. No. 08-104, § 1, 8-26-2008; Ord. No. 14-15, § 1, 3-25-2014; Ord. No. 15-08, § 1, 1-13-2015; Ord. No. 15-95, § 1(Exh. A), 7-14-2015)

**State Law reference**— Power of city to adopt technical codes by reference, A.C.A. § 14-55-207.

**Sec. 10-105. - Adopted.**

There is hereby adopted by reference as fully as though set out word-for-word verbatim that certain published technical code known as the National Electrical Code, as adopted and published by the National Fire Protection Association and as adopted in sections 10-31 and 10-32 of this Code. Three copies of which are now and have been prior to the adoption of the ordinance from which this section is derived on file in the office of the clerk-treasurer, the availability of such code for inspection by the public having been published in a newspaper of general circulation within the city.

(Code 1982, § 47-116; Code 1997, § 18-126; Ord. No. 96-67, § 1, 11-12-1996; Ord. No. 00-41, § 3, 6-13-2000; Ord. No. 01-78, § 1, 12-11-2001; Ord. No. 06-01, § 1, 1-10-2006; Ord. No. 15-95, § 1(Exh. A), 7-14-2015)

**State Law reference**— Power of city to adopt technical codes by reference, A.C.A. § 14-55-207.

**Sec. 10-220. - Adopted; amendments.**

(a)

The Arkansas State Plumbing Code, as adopted in sections 10-31 and 10-32 of this Code, and as published by the International Code Council for the Arkansas State Health Department to include appendices B, C, D, E, F, G, H, I, J, and K, with amendments to section 106.6.1 in subsection (b) of this section. Three copies of which are now and have been prior to the adoption of the ordinance from which this section is derived on file in the office of the clerk-treasurer, the availability of such code for inspection by the public having been published in a newspaper of general circulation within the city.

**Sec. 12-19. - Composition.**

The management of the city cemetery is vested in a board of five trustees, consisting of the mayor, clerk-treasurer and those members of the council constituting the community services committee.

(Code 1982, § 31-16; Code 1997, § 26-26)

**Sec. 12-20. - Officers generally.**

The mayor shall be ex officio president, and the clerk-treasurer shall be ex officio secretary of the board of trustees of the city cemetery.

(Code 1982, § 31-17; Code 1997, § 26-27)

**Sec. 12-21. - Voting.**

The mayor and clerk-treasurer shall have no voice in voting on any subject matter by virtue of any motion or resolution that may be offered governing the rules and regulations of the city cemetery, except in a case of a tie vote, whereupon the mayor shall cast his vote to determine the result of the motion or resolution.

(Code 1982, § 31-18; Code 1997, § 26-28)

**Sec. 12-22. - Officers pro tem.**

In the absence of the mayor, the clerk-treasurer shall preside over the deliberations of the board of trustees of the city cemetery, and one of the members of the board of trustees shall act as secretary on such occasions and shall have the same right to vote as though he were not acting as secretary.

(Code 1982, § 31-19; Code 1997, § 26-29)

**Sec. 12-27. - Claims; issuance of warrants.**

The board of trustees, at their discretion, may audit all claims against the city cemetery.

(Code 1982, § 31-24; Code 1997, § 26-34)



## **Sec. 14-2. - Cave Springs area karst resource conservation regulations.**

(k)

*Appeals.* This section sets forth the procedures to appeal a decision of the planning commission which is made pursuant to these CSK regulations. Only a final decision of the planning commission may be appealed. Recommendations to a decision making authority are not subject to appeal.

(1)

*Appeal procedures.* An appeal may be submitted by an applicant for a disturbance permit or by any other party with standing. The appellant must provide a written request for appeal of a decision of the planning commission to the clerk-treasurer within 14 days after the date of the decision. The city council shall conduct a public hearing within 65 days of receipt of a written request for appeal. Written notice of the public hearing date, time and location shall be mailed to the appellant via first-class U.S. mail at least ten days prior to the public hearing, unless the appellant agrees to a shorter time frame and a different notification method.

(l)

*Enforcement.*

(1)

Any development activity which fails to obtain a permit required by these CSK regulations shall be deemed a violation of these CSK regulations.

(2)

Any development activity which fails to abide by the terms and conditions of a disturbance permit issued pursuant to these CSK regulations shall be deemed a violation of these regulations.

(3)

Every person violating any provision of these CSK regulations shall be deemed to have committed a violation for each and every day or portion of a day during which any infraction is committed, continued or permitted and shall be subject to the penalties contained in Rogers City Code section 1-5.

(4)

In addition to other fines and penalties established herein for violations of this CSK regulation, City of Rogers, Arkansas may seek an injunction requiring complete restoration of any area disturbed in violation of this CSK regulation, or payment in lieu of restoration, and may issue stop work orders, withhold any further permits for site development and cease the processing of any site development applications related to the property, project or owner that violates the provisions of this CSK regulation.

## **Sec. 14-46. - Complete streets.**

(d)

*Exceptions.*

(2)

A request for an exception that is denied under subsection (d)(1) above may be appealed to the planning commission by filing with the clerk-treasurer within ten days' time.

## **Sec. 14-340. - Appeal procedures.**

The following appeal procedures have been established:

(1)

Planning commission decisions.

a.

The developer or owner of any property adjacent to the proposed land development may appeal the decision of the planning commission to the city council by filing such a notice of appeal with the clerk-treasurer within ten days from the date of such decision.

(3)

The planning commission's decision may be appealed to the city council by filing such a notice of appeal with the clerk-treasurer within ten days from the date of such decision.

**Sec. 14-521. - Vacating a street or alley by request of the city.**

(a)

(1)

The planning department shall cause a resolution to be drafted which shall direct the clerk-treasurer to give notice by a publication one time a week for two weeks in a newspaper published in the county and having a general circulation in the city, advising of the day the city council will hold a hearing to make a determination regarding vacating the proposed street or alley.

**Sec. 14-522. - Straightening or abandoning a street or an unnecessary alley.**

(a)

(2)

The planning department shall cause a resolution to be drafted which shall direct the clerk-treasurer to give notice by a publication one time a week for two weeks in a newspaper published in the county and having a general circulation in the city, advising property owners affected of the day the city council will hold a hearing of determination of abandonment.

(7)

On the 31st day after adoption of the ordinance, the clerk-treasurer shall record the said ordinance with the Benton County Recorder.

(b)

*Abandoning an unnecessary alley.* With a request that a city alley or other passage across a particular block within the city that is not needed for highway purposes, and that the welfare of the city will be enhanced or promoted by closing and abandoning of the alley, the city council, acting by and through the mayor and clerk-treasurer, shall have power to abandon the unnecessary alley, by proceeding in the manner set forth below:

(1)

The requestor shall provide sufficient information to the planning department so that the planning department shall cause an ordinance to be drafted. Said ordinance shall include the reason or purpose for the closure, and shall authorize the mayor and clerk-treasurer to enter into a written

agreement with the owners of all the real estate of the block to close and abandon the alley or passageways.

(3)

The city council may, after a finding that the alley is being abandoned in order to better provide for the public welfare, safety, comfort, and convenience of inhabitants, in agreement with owners of all the real estate of the block, and those with any utility interest, authorize the mayor and clerk-treasurer, via ordinance, to enter into said agreement abandoning the alley or passageway.

**Sec. 14-523. - Requests for vacating a street or alley by an adjoining property owner.**

(3)

At the next regular or special meeting of the city council, the council shall, by resolution, fix a day for the hearing of the petition and shall direct the clerk-treasurer to give notice of the hearing meeting by publication once a week for two consecutive weeks in some newspaper published in the county and having a general circulation in the city.

(10)

On the 31st day after passage of the ordinance, the clerk-treasurer shall record said ordinance with the Benton County Recorder.

**Sec. 14-580. - Preliminary plat submission and approval.**

(4)

f.

Maintenance bond requirements. Upon completion of the work and final inspection by the appropriate agency, the developer shall furnish the following maintenance bonds:

1.

Street and storm drainage improvements. An acceptable maintenance bond shall be provided in the amount of 50 percent of the actual construction cost against defects in workmanship and materials for a period of one year from the date of the final inspection. The bond shall be filed with the clerk-treasurer's office after the final inspection and prior to acceptance by the city.

i.

Prior to requesting final acceptance of the improvements into the city system, the developer shall submit the following:

2.

The appropriately executed maintenance bonds shall be submitted to the clerk-treasurer.

**Sec. 14-581. - Final plat submission, approval and filing.**

(5)

*Signatures.* The final plat shall be signed by the chairman of the planning commission, the mayor and the clerk-treasurer.

**Sec. 14-642. - Appeal procedures.**

(1)

*Planning commission decisions.*

a.

The developer or owner of any property adjacent to the proposed land development may appeal the decision of the planning commission to the city council by filing such a notice of appeal with the clerk-treasurer within ten days from the date of such decision.

**Sec. 14-675. - Official zoning map.**

(b)

The official zoning map shall be identified by the signature of the mayor attested by the clerk-treasurer, and bearing the seal of the city along with the following words: "This is to certify that this is the official zoning map referred to in the Rogers Code of Ordinances, Chapter 14."

**Sec. 14-723. - Conditional uses. Modified**

(e)

No decision of the planning commission granting a conditional use permit under this section shall become effective until after an elapsed period of ten days from the date of the planning commission meeting during which the request was heard. During this ten day period, an appeal of the decision, whether to grant OR to deny the permit, may be taken to the city council by filing a letter of appeal with the clerk-treasurer. The letter shall state the nature and grounds for the appeal. The following persons or entities may appeal: The applicant, or a property owner or leaseholder who owns or leases property within 300 feet of the property to which the conditional use applies. The city council shall hear such appeal and consider all relevant evidence prior to rendering a final decision. The city council may affirm, reverse or modify, in whole or in part, the action of the planning commission or may refer the matter back to the planning commission for further action.

**Sec. 14-729. - Planning commission action.**

(b)

An approved application or an approved modified application shall be forwarded to the city council for final consideration. A denied application may be appealed by the applicant to the city council. The applicant may appeal a denied application by filing a letter of appeal with the clerk-treasurer with 15 days of the public hearing at which the application was denied. The letter of appeal shall state why the applicant feels the planning commission decision was in error.

**Sec. 18-60. - Abatement of nuisance; removal by city.**

(a)

If the structure, or portion thereof, is declared a nuisance structure and condemned by an ordinance of the city council, the office of building inspections shall promptly provide a true copy of said ordinance to the owner of record, lien holders, and mortgage holders via certified mail and regular mail, and shall erect a notification of condemnation sign in a conspicuous location on the subject property. The clerk-treasurer, or their designee, shall publish said ordinance one time a week for two consecutive weeks in a newspaper published in the county and having a general circulation in the city advising of the condemnation. Publishing shall be completed within 30 calendar days of passage of said ordinance.

**Sec. 18-96. - Notice by publication upon unknown or nonresident owners; attorney ad litem.**

In case the owner is unknown or his whereabouts is not known or if such owner is a nonresident of the state, a copy of the written notice shall be posted upon the premises; and before any action to enforce the lien shall be had, the clerk-treasurer shall make an affidavit setting out the facts as to the unknown address or whereabouts or nonresidence; and, thereupon, service by publication as now provided by law against nonresident defendants may be had, and an attorney ad litem shall be appointed to notify the defendant by registered letter addressed to his last known place of residence if it can be found.

(Code 1982, § 6-64; Code 1997, § 42-104)

**Sec. 18-324. - Registration of commercial applicators.**

(a)

All commercial applicators engaged in the application of pesticides or restricted use chemicals within the city shall register and exhibit a current state license for use of restricted use chemicals issued by the state plant board with the office of the clerk-treasurer, annually.

**Sec. 20-19. - Mutual aid to render fire service.**

The mayor, clerk-treasurer, and fire chief may enter into mutual aid agreements with other municipalities, firms, corporations or individuals for the rendering of fire service.

(Code 1982, § 33-86; Code 1997, § 46-1; Ord. No. 15-128, § 1(Exh. A), 8-25-2015)

**Sec. 20-141. - Adopted.**

There is hereby adopted by reference, as fully as though set out herein verbatim, that certain published code known as the International Fire Code, 2012 Edition, complete with appendices B, C, D, E, F, G, H, I, and J, including any accumulative supplements and amendments as and when adopted and approved by the State of Arkansas, three copies of which are on file in the office of the Rogers clerk-treasurer. The above referenced International Fire Code 2012 Edition, and all of its supplement and amendments, is hereby adopted as the 2013 Arkansas Fire Prevention Code for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storing, handling and use of hazardous substances, materials and devices, and conditions hazardous to life or property in the occupancy of buildings and premises in the City of

Rogers; and each and all of the regulations, provisions, conditions and terms of such International Fire Code, 2012 edition, published by the International Code Council, on file in the office of the clerk-treasurer are hereby referred to, adopted and made a part hereof as if fully set out in this division.

(Code 1982, § 33-111; Code 1997, § 46-111; Ord. No. 02-48, § 1, 7-23-2002; Ord. No. 08-103, § 1, 8-26-2008; Ord. No. 15-15, § 1, 1-27-2015; Ord. No. 15-128, § 1(Exh. A), 8-25-2015)

### **Sec. 26-30. - Removal.**

The chief of police may be removed on the grounds and in the manner provided in the civil service rules and regulations on file in the office of the clerk-treasurer.

(Code 1982, § 37-21; Code 1997, § 62-35)

### **Sec. 32-26. - Revenue; special fund.**

All revenue derived from the operation of the museum, after paying the operating expenses and maintenance, shall be set aside and used for additional improvements for the museum. All funds derived from the operation of the museum shall be deposited in a bank in the city, in a special fund which shall be used for the operation of the museum. All withdrawals from this fund shall be made by check signed by two of the following individuals: the chairman or vice-chairman of the museum commission, the mayor, clerk-treasurer, or director of finance.

(Code 1982, § 10-23; Code 1997, § 74-33)

### **Sec. 32-31. - Annual report; contents.**

It shall be the duty of the museum commission to prepare and file an annual report of the financial affairs and conditions of the museum and facilities by January 15 of each year; the report shall be filed in the office of the clerk-treasurer and shall be subject to inspection by any citizen. The report shall set out a detailed, complete and correct statement of all receipts of any kind whatsoever since the last annual report, showing the source thereof and all disbursements of every kind and showing the date, amount, number and purpose of each disbursement and to whom issued. The report shall show the full financial condition of the museum and facilities and every other detail necessary to the full and thorough understanding from such report of the actual financial condition of such museum. The report shall be verified by the board of commissioners of the museum.

(Code 1982, § 10-28; Code 1997, § 74-38)

### **Sec. 38-21. - License fee.**

(b)

All peddlers or sellers of goods, wares, merchandise or other things of value, shall provide valid government photo identification to the clerk-treasurer, or their designee, prior to the issuance of a license/permit.

### **Sec. 38-22. - Registration application to clerk-treasurer.**

Any person intending to engage in the public solicitation of funds or other gifts of value in the city for any philanthropic, religious or public service project must file with the clerk-treasurer, or their designee, ten days prior to each intended solicitation a complete and accurate disclosure of the nature and purpose of the philanthropic, religious or public service project, and the use to which said solicited funds or other gifts of value are to be put. Such disclosures shall be made on forms approved by the city council and completed disclosure forms shall be filed with the clerk-treasurer and such disclosure forms shall be available for public inspection in the office of the clerk-treasurer during all working hours.

(Code 1982, § 13-17; Code 1997, § 86-4)

**State Law reference**—Registration of charitable organization prior to solicitation, A.C.A. § 4-28-402; fraud by impersonating a representative of an organization, A.C.A. § 5-37-208.

### **Sec. 38-23. - Door-to-door solicitation prohibited.**

(a)

The clerk-treasurer, or their designee, is hereby directed to prepare and maintain a list of all residents of the city who desire no hawking, soliciting or peddling of wares or merchandise at their residence. This list shall hereafter be referred to as the "no-knock list".

(b)

Residents of the city who desire for their address to be placed on the no-knock list may do so by contacting the clerk-treasurer, or their designee, either in person, by phone, or may register for the no-knock list via the city's website. The clerk-treasurer, or their designee, shall verify that the requestor is the appropriate party to place said residence on the no-knock list prior to the placement of that residence on the no-knock list. To remain on the no-knock list, registration will need to be renewed every two years. If registration is not renewed, the address will be removed from the no-knock list. If a resident moves away from, sells, abandons, or otherwise leaves a residence that they have previously placed on the no-knock list, they shall notify the clerk-treasurer, or their designee, promptly of their disassociation from the property. Any new resident of said address must notify the clerk-treasurer, or their designee, of their desire to be placed back on the no-knock list according to the provisions contained above. No individual or entity shall be allowed to place any residence on the no-knock list on "behalf of" any property owners' association, homeowners' association, or other similar organization.

(c)

Prior to engaging in the practice of going from door-to-door for the purpose of soliciting, peddling, or hawking of wares, all persons must first obtain a copy of the no-knock list from the clerk-treasurer, or their designee, and are expressly prohibited from making contact with said residents at the listed addresses. The provisions of this section shall not apply to not-for-profit organizations, groups and associations.

(d)

It shall be unlawful for any uninvited solicitor or peddler, including those licensed under section 38-21 of this Code, to solicit at a residence where a legible sign that reads "No Solicitation" is posted and reasonably visible to persons who enter upon such residential property.

(Code 1997, § 86-5; Ord. No. 02-58, §§ 1—4, 8-27-2002; Ord. No. 15-68, § 1(Exh. A), 5-26-2015; Ord. No. 15-120, § 1(Exh. A), 8-11-2015)

### **Sec. 38-24. - Solicitation from persons driving motor vehicles prohibited.**

(c)

Any organization or individual desiring to obtain a permit as required in this article shall make written application to the clerk-treasurer, or their designee. Said application shall be made at least 14 days prior to the intended date of solicitation and shall contain the following information:

(1)

Name of applicant or organization;

(2)

Address of applicant or organization;

(3)

Telephone number of applicant or organization;

(4)

Date and time of intended solicitation;

(5)

Location of intended solicitation.

(d)

The application shall be reviewed by the chief of police or his designate for approval prior to any permit being issued by the clerk-treasurer, or their designee; provided, however, that said approval shall not be unreasonably withheld and shall be based upon public safety considerations only. If the application is approved, the clerk-treasurer, or their designee, shall issue a solicitation permit which shall be valid for a period of 24 hours. Said permit shall be clearly displayed by the individual or organization to which it is issued at all times during the period of solicitation.

(Code 1997, § 86-6; Ord. No. 07-73, §§ 1—4, 5-22-2007; Ord. No. 08-108, §§ 2—5, 8-26-2008; Ord. No. 15-120, § 1(Exh. A), 8-11-2015)

### **Sec. 38-54. - Application; disclosure.**

(a)

Any person organizing a for-profit fair is required to file with the clerk-treasurer, or their designee, ten days prior to the event, an accurate disclosure of the event upon forms to be provided by the clerk-treasurer, or their designee. The disclosure shall include, but not be limited to:

(1)

Identification of the organizer;

(2)

The days and hours of operation;

(3)

Identification of the seller.

(b)

The disclosure form may be amended or supplemented prior to the commencement of the event. Such disclosure forms shall be available for public inspection in the office of the clerk-treasurer, or their designee, during all working hours.

(Code 1982, § 7-44; Code 1997, § 22-78)



**Sec. 38-61. - Outdoor and mobile food vendors.**

(c)

*Permit Required*

(5)

*Issuance of permit.*

b.

Any applicant may appeal a denied application to the city planning commission within ten days of the denial by sending written notice to the clerk-treasurer, to be heard at the next available planning commission meeting.

(i)

*Suspension and revocation of permit.*

(3)

*Appeal of suspension or revocation.* If the permit is suspended or revoked by the city planner, the permit holder shall have ten days from the date of the suspension or revocation to file their appeal for consideration by the planning commission. The appeal shall be filed by sending written notice to the clerk-treasurer and shall be heard at the next available planning commission meeting. The timely filing of an appeal to the planning commission shall stay the suspension or revocation of the permit until the matter is heard by the planning commission.

**Sec. 42-50. - Regulations.**

(c)

Any person conducting a sale pursuant to this article shall first be required to obtain a permit through the Mayor's office, or the Mayor's designee. Each person applying for a permit shall be required to give his name, address, telephone number (if applicable), location and any other information as is reasonably necessary for the proper regulation of garage sales as provided in this article. No fee shall be required for said permit.

(d)

Each person obtaining a permit pursuant to this article shall be required to display the permit in a conspicuous fashion on the premises at which the home sale is conducted. Permits issued under this article shall be prepared in duplicate with the original being issued to the person conducting the home sale and one copy going to the Mayor's office, or the Mayor's designee. The Mayor's office, or the Mayor's designee is vested with the responsibility for the issuance of the permits and for the proper filing of the permits. The permits issued hereunder shall specify the dates on which the sale is to be conducted.

**Sec. 52-139.** Repeal and reserve this section.

**Sec. 54-296. - Insurance.**

As a prerequisite to the issuance of any permit required by this division, the permittee shall file with the clerk-treasurer and shall thereafter keep in full force and effect at all times:

(1)

A policy of comprehensive general liability insurance with a company authorized to do business in the state in minimum amounts of \$100,000.00 per person for bodily injury, \$300,000.00 per occurrence for bodily injury, and \$50,000.00 per occurrence for property damage.

(2)

A policy of automobile liability insurance covering the operation of each vehicle used in such business, in the minimum amounts of \$100,000.00 per person for bodily injury, \$300,000.00 per occurrence for bodily injury, and \$50,000.00 per occurrence for property damage. The city shall be named as an additional insured in all insurance policies required by this article. Each insurance policy shall require notice from the insured and/or insurer to the clerk-treasurer at least 30 days prior to cancellation by the insurer or the insured.

(Code 1982, § 16-192; Code 1997, § 118-243)

**Sec. 56-19. - Minimum requirements.**

Each person owning, operating or having control of taxicabs within the city shall comply with the minimum requirements of operation by:

(1)

Providing general liability insurance with minimum limits of \$25,000.00 for personal injury to any person and an aggregate of \$50,000.00 per incident, and property damage of \$15,000.00 per incident. A certificate of insurance is to be filed with the clerk-treasurer, or their designee, prior to the issuance of the permit required under section 56-46;

**Sec. 56-20. - Identification.**

(a)

All taxicabs operated in the city shall have prominently displayed on each side of each taxicab the name and telephone number of the person to whom the license to operate the cab was issued. No taxicab shall be operated under any name or trademark name other than the name or trademark name shown on the license issued by the clerk-treasurer, or their designee.

**Sec. 56-46. - Required.**

Any person owning, operating or controlling any taxicab within the city limits shall obtain a license from the clerk-treasurer, or their designee, for each such taxicab.

(Code 1982, § 18-21; Code 1997, § 126-46)

**State Law reference**— Power of city to grant or refuse taxicab permits, A.C.A. § 14-57-304

**Sec. 56-47. - Location of business.**

Any applicant for a license under this division shall designate the place at which the business is to be carried on, and the license shall authorize the carrying on of such business at that place and no other place unless change of location of the business is noted upon the license receipt by the clerk-treasurer, or their designee.

(Code 1982, § 18-22; Code 1997, § 126-47)

**Sec. 56-48. - Description of vehicles.**

Prior to issuance of any license under this division, the applicant shall file with the clerk-treasurer, or their designee, a sworn statement setting out the number of separate vehicles to be operated under the license applied for. The statement shall contain the make, motor number, style, model and state license number and the name of the registered owner of each vehicle.

(Code 1982, § 18-23; Code 1997, § 126-48)